

U.S. Serial No. 10/509,839
Office Action dated October 23, 2006
Amendment dated March 20, 2007

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REMARKS

The Applicants request that Examiner corrects the attorney docket number to correspond to the number referred to at page 2 of the Application Data Sheet submitted to the U.S. PTO on September 30, 2004. Namely, the number should be 732694-55670 (not 732964).

To expedite prosecution, the Applicants have amended claim 9 to a preferred embodiment. Support for this amendment can be found, for example, at page 7, lines 1-7. Accordingly, the amendment does not introduce new matter and its entry is respectfully requested.

To expedite prosecution, the Applicants have cancelled claims 14 – 16 and 21. The Applicants reserve the right to pursue the subject matter of the cancelled claims in any continuation or divisional application.

The Applicants have added new claim 25 that is directed to a preferred embodiment. Support for the new claim can be found, for example, at Table 1, page 14 of the specification. Accordingly, the new claim does not add new matter and its entry is respectfully requested.

Turning now to the specific objections and rejections.

The Examiner maintained the rejection of claims 9-24 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,046,164 (Asano) in view of EP 0 267 015 (Finkenaaur).

Applicants respectfully submit that this rejection should be withdrawn for the following reasons.

The Examiner stated that it was not clear that the comparisons were appropriate. The Examiner is incorrect. Dr. Ohkuna specified the specific methylcellulose compounds used at page 2 of his declaration. As explained therein, these compounds were all from commercially available sources. Finkenaaur also used cellulose from commercially available sources. Moreover, the comparison was not just with methyl cellulose and hydroxypropyl methyl cellulose, but with sodium carboxymethylcellulose and fibrinogen. However, the latter two compounds did not result in a solution where stability could even be measured.

With respect to the three compounds where measurements were made, the presently claimed compound results in a compound that shows less than one fourth the loss in stability of the best of the other compounds. That is not something that is in any way suggested by the references. Additionally, only the present compound results in a product that shows 98% bFGF for one day. This is very important in having a product that can actually be used. Further, claim 9 specifies that the hydroxypropyl cellulose is a hydroxypropyl ether derivative of cellulose, containing 53.4-77.7% of hydroxypropyl group when a dried material is determined.

This specific requirement for using hydroxypropyl ether derivative of cellulose containing 53.4-77.7% of hydroxypropyl group when dried material is determined is not taught or suggested by Finkenaaur or Asano alone or in combination.


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The Commissioner is herewith authorized to charge fee deficiencies and credit overpayments to the NIXON PEABODY LLP Deposit Account No. 50-0850.

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance. Early and favorable action is requested.

Date: 3/20/2007

Respectfully submitted,



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